

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1998-419-E - ORDER NO. 2009-7  
JANUARY 15, 2009

IN RE:	Request of Carolina Power & Light	)	ORDER GRANTING
	Company d/b/a Progress Energy Carolinas,	)	REQUEST FOR
	Inc. for Confidential Treatment of Certain	)	CONFIDENTIAL
	Avoided Cost Data That the Company Is	)	TREATMENT
	Required to File with the Commission at	)	
	Least Every 2 Years Pursuant to the Public	)	
	Utility Regulatory Policies Act	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. (PEC or the Company) for confidential treatment of certain material filed in this docket. PEC requests that the Company's avoided cost filing be held confidential. Pursuant to Commission instructions regarding protection of confidential material, PEC files such data in a separate envelope clearly marked "confidential."

On December 10, 2008, PEC filed with the Commission the Company's avoided cost information as required to be filed on a biennial basis pursuant to Part 292 of the Federal Energy Regulatory Commission regulations under Section 210 of the Public Utility Regulatory Policies Act of 1978. PEC requests that the Company's avoided cost information be filed with the Commission under seal and be maintained as confidential.

PEC states that the information in the Company's filing contains PEC's costs to procure additional energy and/or capacity and that the Company must protect such information from public disclosure in order for the Company to obtain the most cost

effective energy and capacity necessary to meet the needs of its customers. If this information was disclosed, according to PEC, potential suppliers would know the price against which they must bid and simply bid a price low enough to beat PEC's projections rather than bidding the lowest price possible.

A review of the material in question in the Company's 2008 Section 292.302 avoided cost information filing establishes that the material does provide detailed information concerning PEC's business and practices which are sensitive. The South Carolina Freedom of Information Act ("FOIA") allows exemption from disclosure proprietary business information that meets a definition of "trade secrets." S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: "(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation." We find that the information contained in the Company's 2008 Section 292.302 filing for which PEC seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

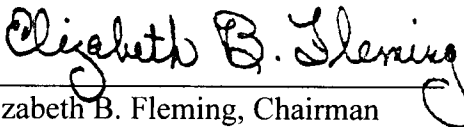
Because the Commission finds that certain portions of the 2008 Section 292.302 filing of PEC contains competitively sensitive critical information and meets the definition of "trade secrets" as defined under FOIA, the Commission grants the Motion.

IT IS THEREFORE ORDERED THAT:

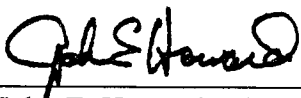
1. The request of Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. for confidential treatment is granted. Accordingly, the 2008 Section 292.302 avoided cost information of Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. filed with the Commission shall be declared confidential, shall be afforded confidential treatment, and shall be protected from public disclosure pursuant to the provisions of S.C. Code Ann. Section 30-4-40(a)(1), 26 S.C. Code Ann. Regs. 103-804(S)(2) and other applicable law. A redacted version of the filing will be made available for public review.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman  
(SEAL)